

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

UNITED STATES OF AMERICA

v.

Case No. 4:04cr67

DARLENE RENEE SMITH,

Defendant.

ORDER OF DETENTION

In accordance with the Bail Reform Act, 18 U.S.C. § 3143, and Rules 31.2 and 46(d) of the Federal Rules of Criminal Procedure, the Court held a preliminary and detention hearing on November 20, 2006. For the reasons set forth below, the Court FINDS that Defendant's detention is warranted.

Defendant was convicted of making false statement to a firearms dealer, a Class D felony, in violation of 18 U.S.C. § 3583. She was sentenced to a term of fifteen (15) months in the penitentiary, to be followed by three (3) years of supervised release. On November 15, 2006, the Honorable Henry Coke Morgan, Jr., endorsed a Petition on Supervised Release prepared by Charles D. L. Logan, Senior U.S. Probation Officer, alleging that Defendant committed the following violations of supervised release: (1) Commission of a crime - threat of a U.S. Probation Officer; (2) Failure to follow the instructions of the Probation Officer; and (3) Possession of cocaine.

At the preliminary and detention hearing held on November 20, 2006, Defendant, represented by Trevor Jared Robinson¹; the United States was represented by AUSA Eric Hurt.

The Court considered the testimony of USPO Logan, who testified under oath in a manner consistent with the allegations contained in the Petition on Supervised Release, that Defendant threatened him on November 14, 2006, failed to submit urine samples on the dates set out in the Petition, and admitted to using cocaine on two occasions. As a consequence of USPO Logan's testimony, the Court found probable cause to believe that Defendant violated terms and conditions of her supervised release. USPO Logan was cross-examined by counsel for Defendant.

The Court considered the testimony of USPO Logan, as adduced on direct and cross-examination by counsel for the Government and Defendant, respectively, and concluded that Defendant failed to meet the burden of proof that she does not pose a danger to any other person or the community.

Consequently, in accordance with the standards set forth in Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a), Defendant is ORDERED detained pending the hearing on the Petition alleging violations of supervised release.

¹The Court entered an Order of Substitution on November 20, 2006, immediately prior to the beginning of the preliminary and detention hearing. Pursuant to that agreed order, Mr. Robinson replaced AFPD Walter B. Dalton as counsel for Defendant.

Entered on November 22, 2006

/s/
F. Bradford Stillman
United States Magistrate Judge